

123-6-105. Good time credit rate for offenses committed before July 1, 2014. (a) The portion of an offender's sentence to a juvenile correctional facility, for crimes committed on ~~or~~ and after ~~the effective date of this regulation,~~ December 1, 2006 but before July 1, 2014 may be reduced by no more than 30% through awarded and retained good time credits.

(b) Good time credits shall not reduce an offender's sentence to less than the minimum term authorized under the specific category of the matrix sentence.

(c) The Kansas juvenile justice authority's "good time credit rate charts," dated August 3, 2006, and hereby adopted by reference, shall establish the minimum number of days to serve, the number of good time days available, and the rate of earning good time credit per day as calculated by dividing the number of good time days available by the minimum number of days required to be served.

(d) If the sum of all good time credits earned results in a fraction of a day, that fraction shall be rounded up to the next whole number.

(e) Intrafacility transfers and interfacility transfers shall not affect good time credits awarded. (Authorized by K.S.A. ~~38-16,130~~ 2013 Supp. 38-2370 and K.S.A. ~~2005 Supp. 75-7024~~; implementing K.S.A. ~~38-16,130~~ 2013 Supp. 38-2370; effective Dec. 1, 2006; amended, T-_____, _____.)

123-6-105a. Good time credit rate for offenses committed on and after July 1, 2014. (a) The portion of an offender's sentence to a juvenile correctional facility, for crimes committed on and after July 1, 2014, may be reduced by no more than 30% through awarded and retained good time credits.

(b) The Kansas department of corrections' "good time credit rate charts," dated May 29, 2014 and hereby adopted by reference, shall establish the minimum number of days to serve, the number of good time days available, and the rate of earning good time credit per day as calculated by dividing the number of good time days available by the minimum number of days required to be served.

(c) If the sum of all good time credits earned results in a fraction of a day, that fraction shall be rounded up to the next whole number.

(d) Intrafacility transfers and interfacility transfers shall not affect good time credits awarded. (Authorized by K.S.A. 2013 Supp. 38-2370 and 75-7024; implementing K.S.A. 2013 Supp. 38-2370; effective, T-_____, _____.)

Summary of proposed temporary regulations

K.A.R. 123-6-105 – Good time credit rate for offenses committed before July 1, 2014. Amendment to this regulation provides that the current 30% good time credit rate, capped at the juvenile offender matrix minimum, will only apply to those offenses committed before July 1, 2014.

K.A.R. 123-6-105a – Good time credit rate for offenses committed on and after July 1, 2014. This is a new regulation that retains the current 30% good time credit rate, but authorizes such good time credit to reduce a juvenile offender's sentence to below the juvenile offender matrix minimum. This amendment gives effect to 2014 HB 2588.

**ECONOMIC IMPACT STATEMENT FOR THE KANSAS DEPARTMENT OF
CORRECTIONS' PROPOSED TEMPORARY REGULATIONS K.A.R. 123-6-105 AND
K.A.R. 123-6-105a**

I. Summary of proposed regulation, including its purpose.

The proposed amendment to K.A.R. 123-6-105 provides that the current 30% good time credit rate, capped at the juvenile offender sentencing matrix minimum sentence, will only apply to those offenses committed before July 1, 2014.

The proposed new K.A.R. 123-6-105a retains the current 30% good time credit rate, but authorizes such good time credit to reduce a juvenile offender's sentence to below the juvenile offender sentencing matrix minimum sentence and only applies to offenses committed on and after July 1, 2014.

II. Requirement for the proposed regulations, including whether or not they are mandated by federal law.

K.S.A. 2013 Supp. 38-2370 mandates that the secretary (formerly commissioner) adopt rules and regulations regarding good time credit calculations. 2014 HB 2588, effective July 1, 2014, amended K.S.A. 2013 Supp. 38-2370 and 38-2372 to allow the award of good time credit that would take a juvenile offender below the minimum term of incarceration authorized by K.S.A. 2013 Supp. 38-2369. Accordingly, 2014 HB 2588 requires the amendment of K.A.R. 123-6-105 and the adoption of the new K.A.R. 123-6-105a to reflect a different manner of calculation of offender good time credit before July 1, 2014 and on and after July 1, 2014.

These regulations are not mandated by federal law and, therefore, these regulations do not exceed any requirements of federal law.

III. Anticipated economic impact.

These regulations will require programming for the JCFS computer database to correctly account for the manner of calculation of offender good time credit before July 1, 2014 and on and after July 1, 2014. This cost can be absorbed in the existing agency budget. It might be anticipated that the average daily offender population at the two juvenile correctional facilities will decrease with the additional amount of good time credit available to offenders under the new K.A.R. 123-6-105a. However, because future juvenile court sentences cannot be predicted, it is impossible to determine the amount of the decrease in bed space and whether that decrease will be in sufficient numbers such that a living unit or units can be closed to realize a cost savings in reduced FTE's or other operational savings.

There is no anticipated or foreseen economic impact these regulations would have on other governmental agencies or units, small employers, or private citizens.

IV. Less costly or less intrusive methods for achieving the stated purpose of the regulations.

Because K.S.A. 2013 Supp. 38-2370 mandates that the agency adopt rules and regulations regarding good time credit calculations, there is no less costly or intrusive method(s) for achieving the stated purpose of these regulations.